**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE**

**MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929**

**WP(C).No. 12526 of 2004(N)**
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**CMA.10/2002 of ADDL.SUB COURT, ALAPPUZHA**
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**PETITIONER: APPELLANT:**
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**JAYA RANJINI, JAYA NILAYAM,**
**PERUMTHURUTHU MURI, KANJIKUZHY VILLAGE,**
**ALAPPUZHA.**

**BY ADV. SRI.V.GIRI**

**RESPONDENTS: RESPONDENTS:**
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1. **ANILKUMAR, S/O. DIVAKARAN,**
   **ANDISSERIL VEETTIL, KANJIKUZHY VILLAGE,**
   **MUHAMMA P.O., ALAPPUZHA.**

2. **STATE OF KERALA, REPRESENTED BY**
   **DISTRICT COLLECTOR, ALAPPUZHA.**

3. **REVENUE DIVISIONAL OFFICER, ALAPPUZHA.**

4. **THE VILLAGE OFFICER, KANJIKUZHY VILLAGE.**

**BY ADV. SRI.J.OM PRAKASH for R1**
**BY GOVERNMENT PLEADER for R2 to R4**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WPC.NO.12526/2004 N**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF PLAINT IN O.S.66/98 ON THE FILES OF THE ADDITIONAL MUNSIFF ALAPPUZHA.**

**EXT.P2:** **COPY OF I.A.NO.3685/98 FILED BEFORE THE MUNSIFF COURT, ALAPPUZHA.**

**EXT.P3:** **COPY OF COUNTER FILED BY THE PETITIONER IN I.A.3685/98.**

**EXT.P4:** **COPY OF ORDER DTD. 28/10/98 IN I.A.3685/98 ON THE FILES OF THE ADDL.MUNSIFF ALAPPUZHA.**

**EXT.P5:** **COPY OF COMMUNICATION ISSUED TO THE PETITIONER BY THE RDO, ALAPPUZHA DTD. 2/09/02.**

**EXT.P6:** **COPY OF THE ORDER PASSED BY THE ADDITIONAL SUB JUDGE, ALAPPUZHA DTD. 30/01/2004 IN CMA.NO.10/2002.**

**EXT.P7:** **COPY OF SALE DEED NO.830/97 OF MARARIKULAM SRO DTD. 20/03/97.**

**1ST RESPONDENT'S EXHIBITS:**

**EXT.R1(A):** **COPY OF THE PETITION SUBMITTED BYTHE FIRST RESPONDENT BEFORE THE 3RD RESPONDENT DTD. 8/01/98.**

**EXT.R1(B):** **COPY OF THE REPORT OF THE 5TH RESPONDENT DTD.10/01/98.**

**EXT.R1(C):** **COPY OF THE LETTER OF THE 4TH RESPONDENT ISSUED TO THE PETITIONER DTD. 10/01/98.**

**EXT.R1(D):** **COPY OF THE ORDER OF THE 3RD RESPONDENT DTD. 12/01/98.**

**EXT.R1(E):** **COPY OF THE REVIEW PETITION FILED BY THE FIRST RESPONDENT BEFORE THE 3RD RESPONDENT DTD.21/07/2004.**

**/TRUE COPY/**

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**PIUS C. KURIAKOSE,J.**

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W.P.(C) No.12526 of 2004

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Dated: 25th June, 2007

**JUDGMENT**

Even though very strenuous arguments were addressed before me by Mr.V.Giri, learned counsel for the petitioner, I am not able to say that Exts.P4 and P6 orders passed by the learned Munsiff is vitiated to the extent of justifying interference invoking the visitorial jurisdiction of this court under Article 227 of the Constitution. The only relief which the petitioner can aspire for is an early disposal of the suit. Accordingly, the Writ Petition will stand disposed of directing the learned Munsiff to dispose of the suit O.S.No.66 of 1998 by special listing the suit in the earliest available special list, in accordance with law. The learned Munsiff will not be unduly influenced by the observations and findings in Exts.P4 and P6. The decision taken will be taken in the suit on the basis of the evidence which comes on record at trial. The plaintiff-petitioner shall be permitted to produce those documents regarding which the petition under Order 41 Rule XXVII was filed before the lower appellate court.

The Writ Petition will stand disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**